

MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

JAN 17 2007

Executive Office

January 11, 2007

Via E-Mail

Ms. Dale Hoffman-Floerke
Salton Sea PEIR Comments
Department of Water Resources
Colorado River & Salton Sea Office
1416 9th Street, Room 1148-6
Sacramento, California 95814

Dear Ms. Hoffman-Floerke

Draft Programmatic Environmental Impact Report for the
Salton Sea Ecosystem Restoration Program (SCH # 2004021120)

The Metropolitan Water District of Southern California (Metropolitan) has reviewed a copy of the Draft Programmatic Environmental Impact Report (Draft PEIR) for the Salton Sea Ecosystem Restoration Program. The California Resources Agency is acting as the lead agency under the California Environmental Quality Act and the Department of Fish and Game and Department of Water Resources have prepared the Draft PEIR for the Resources Agency. The objectives of the program are as follows: (1) Restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea; (2) Elimination of air quality impacts from the restoration projects; and (3) Protection of water quality.

Metropolitan offers the following comments in response to the Draft PEIR:

1. Discussion of Water Rights

The discussion of "water rights" on pages 5-1 through 5-2 of the Draft PEIR is limited to the identification of water rights records for several streams tributary to the Salton Sea including Metropolitan's applications filed with the State Water Resources Control Board to appropriate water from the Alamo River and the New River. However, there is no discussion of the matter of in-stream flow entitlements of these tributaries for the Salton Sea itself. As stated on page 12 of House of Representatives Report No. 105-621, dated July 14, 1998, the Committee on Resources found that,

"Drainage and seepage waters that sustain the Sea are simply the incidental result of beneficial uses of water which are governed by existing laws, including the Law of the River."

Metropolitan participated in the development of the Draft PEIR inflow assumptions and is comfortable that the projected inflows reflect this finding of the House Committee on

JAN 17 2007

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Ms. Dale Hoffman-Floerke

Page 2

January 11, 2007

Resources. However, Metropolitan believes it would be appropriate for the water rights discussion in Chapter 5 of the Draft PEIR to incorporate the above language cited from House of Representatives Report No. 105-621. For a more detailed discussion of Colorado River water rights, the Final PEIR could include a reference to Section 1.3.3 of the June 2002 *Final Environmental Impact Report: Implementation of the Colorado River Quantification Settlement Agreement* (State Clearinghouse No. 2000061034).

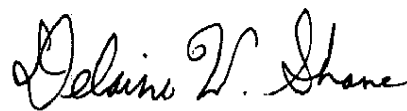
2. Proposed Imperial Irrigation District Reservoir incorporated into Alternative 7

The Draft PEIR does not address the potential impact to water supplies that could result from operation of the Imperial Irrigation District (IID) Reservoir incorporated into Alternative 7. As described in the Draft PEIR, the proposed 250,000 acre-foot reservoir would cover 11,000 acres and would be owned and operated by IID for storage of Colorado River flows.

The Final PEIR should be expanded to describe the purpose and need of the proposed reservoir and to evaluate the impacts on water supply.

We appreciate the opportunity to provide input to your planning process. If we can be of further assistance, please contact John L. Scott at (213) 217-7823.

Very truly yours,



Delaine W. Shane

Interim Manager, Environmental Planning Team

JS/LIM/lim

(Public Folders/EPU/Letters/09-JAN-07A.doc – Dale Hoffman-Floerke)